



U.S. Department of Justice

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December 3, 2020

BY ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

*Knight First Amendment Inst. et al. v. Dep't of State et al.,
No. 20 Civ. 4911 (JGK)*

Dear Judge Koeltl:

In accordance with the Court's memo-endorsement on the Stipulation and Order entered on September 28, 2020 (the "Stipulation and Order"), we write respectfully on behalf of the parties in the above-referenced Freedom of Information Act ("FOIA") case to provide the Court with a status report with regard to the remaining defendants' processing of plaintiffs' FOIA request:

Department of State: State's searches of unclassified record systems identified approximately 7,500 pages of records potentially responsive to the FOIA request, and through preliminary de-duplication and responsiveness review processes, that volume was reduced to approximately 3,600 pages to further review and process. To date, State has reviewed approximately 3,000 pages, although that figure includes draft manuscripts, which plaintiffs have agreed to exclude. In accordance with the Stipulation and Order, State made its initial production to plaintiffs on October 22, 2020. State made a second production to plaintiffs on December 2, 2020. State has also referred certain records to other agencies for consultation. State expects to continue making productions on a rolling basis. With regard to potentially responsive records residing in classified records systems, State was recently able to conduct a centralized search of email records, which yielded an additional approximately 7,300 pages, although that figure again includes draft manuscripts and duplicates.

Central Intelligence Agency: In accordance with the Stipulation and Order, CIA completed the bulk of its review of the records identified through non-email searches and made an initial production to Plaintiffs of those documents on October 23, 2020. CIA

has referred the remaining non-email records to other government agencies for consultation. CIA has completed its searches for email records responsive to the priority portions of the FOIA request outlined in the Stipulation and Order, and identified approximately 7,000 pages of potentially responsive email records, although that total may include draft manuscripts, which Plaintiffs have agreed to exclude from processing. CIA anticipates producing any responsive, non-exempt records that do not require inter-agency consultation by April 1, 2021.

Office of National Intelligence: In accordance with the Stipulation and Order, ODNI made an initial production of responsive, non-exempt records to plaintiffs on October 29, 2020. The remaining responsive records require consultation with other agencies.

National Security Agency: In accordance with the Stipulation and Order, NSA has completed its review of records responsive to the priority portions of the FOIA request required to another agency. NSA referred those records to the other agency for direct response to plaintiffs. Accordingly, NSA has completed its response to the priority portions of the FOIA request.

Federal Bureau of Investigation: In accordance with the Stipulation and Order, FBI will make its best efforts to review and process 500 pages of potentially responsive records per month and to make monthly productions of non-exempt responsive records, starting on December 14, 2020.

Department of the Air Force: The Department of the Air Force made a production of responsive records on December 1, 2020. The Air Force is in the process of conducting supplemental searches to determine whether it possesses any additional responsive records.

Department of the Navy: The Department of the Navy has completed its search and determined that it does not have any records responsive to the FOIA request. Accordingly, the parties agree that the Navy should be dismissed as a defendant, and respectfully request that the Court enter the enclosed Stipulation and Order of Dismissal.

We thank the Court for its consideration of this letter, and propose to submit a further status report within 60 days, or by February 2, 2021.

Respectfully submitted,

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Encl.